REMARKS

Claims 24-28 are currently pending in the application. Applicant has canceled claims 22-23, and added claims 24-28. Applicant requests reconsideration of the application in light of the following remarks.

Request to Admit the Amendment

Applicant believes that the foregoing amendment presents the rejected claims in better form for appeal. Pursuant to 37 C.F.R. § 1.116(a), Applicant requests the Examiner admit the amendment. However, even if the Examiner decides not to admit the amendment under 37 C.F.R. § 1.116(a), Applicant respectfully requests the Examiner admit the amendment pursuant to 37 C.F.R. § 1.116(b). The foregoing amendment is necessary to sufficiently define the invention described in claims 24-28. Upon these good and sufficient reasons for why the amendment is necessary and was not earlier presented, Applicant requests the Examiner admit the amendment pursuant to either 37 C.F.R. § 1.116(a) or 37 C.F.R. § 1.116(b).

Rejections under 35 U.S.C. §103

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based

upon the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP §2143.

Claims

Claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Araki (Japan. Patent No. 8-268,163, hereinafter "Araki"), in view of Mote (U.S. Patent No. 2,257,510, hereinafter "Mote") or Lorenzo (Netherlands Patent No. 6407141, hereinafter "Lorenzo"). Applicant respectfully traverses this rejection and requests reconsideration of the claims.

Claims 22 and 23 have been canceled. The rejection of claims 22 and 23 is, therefore, obviated. Araki in view of Mote or Lorenzo fail to teach the invention as is now claimed.

Regarding Doctrine of Equivalents

Applicant hereby declares that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Applicant respectfully requests a one (1) month extension, the fee of $65 which should be charged to Deposit Account No. 19-0513.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: March 17, 2009

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